

A RESOLUTION

05-*R* -0678

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A SETTLEMENT WITH A CONDEMNEE IN THE MATTER OF THE CITY OF ATLANTA VS. ROSEMOND C. DAVIS, CIVIL ACTION FILE NO. 2001-CV-36500 PENDING IN THE SUPERIOR COURT OF FULTON COUNTY; TO AUTHORIZE THE PAYMENT IN AN AMOUNT NOT TO EXCEED \$60,000.00 TO BE PAID FROM FAC NO. 1A01 529017 T31001.

WHEREAS, Rosemond C. Davis (hereinafter referred to as owner) owns property known as 585 Memorial Drive, Atlanta, Georgia 30312 (the property); and

WHEREAS, the City sought to acquire 0.042 acres (1832.75 square feet) under its eminent domain authority for the Memorial Drive/Boulevard Project of the Oakland Wall Collapse Project; and

WHEREAS, a Petition for Condemnation and Declaration of Taking was filed by the City of Atlanta in the matter of City of Atlanta vs. Rosemond C. Davis which is now pending in the Superior Court of Fulton County of Civil Action File No. 2001-CV-36500; and

WHEREAS, the City has already deposited \$69,100.00 into the registry of the court pursuant to the Declaration of Taking; and

WHEREAS, the owner will agree to a settlement of all claims in this action for the amount of \$129,100.00, or an additional payment by the City of \$60,000.00, for the property taken in the condemnation action; and

WHEREAS, the compromise amount has been determined by the City Attorney to be justified due to the fact that the owner has lost a number of parking spaces needed for the operation of his business; and

WHEREAS, this settlement amount exceeds 20% above the initial estimated just compensation for the affected property that is authorized under Ordinance 95-0-0504, City Council authorization is necessary to conclude this action.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES that the City Attorney is authorized to settle the Civil Action of the City of Atlanta vs. Rosemond C. Davis, which is now pending in the Superior Court of Fulton County as Civil Action File No. 2001-CV-36500 for the amount of \$129,100.00 by depositing an additional \$60,000.00 as further compensation for the property taken in this condemnation action.

BE IT FURTHER RESOLVED, that the Chief Financial Officer be and is authorized to pay, upon presentation and approval by the City Attorney, an amount not to exceed \$60,000.00 to be expended from Fund Account Center No. 1A01 529017 T31001.